

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Alameda Corridor – East Construction Authority (ACE) for an order authorizing elimination of an existing at-grade crossing through construction of a grade separated crossing (roadway underpass) at Reservoir Street, under Union Pacific Railroad Company’s adjacent Los Angeles Subdivision and Alhambra Subdivision main lines, in the City of Pomona, County of Los Angeles.

Application 02-05-050
(Filed May 23, 2002,
Amended April 7, 2003)

O P I N I O N**Summary**

Alameda Corridor – East Construction Authority (ACE) requests authority to construct the proposed grade-separated highway-rail crossing of Reservoir Street under the tracks of Union Pacific Railroad Company’s (UP) adjacent Los Angeles Subdivision and Alhambra Subdivision main lines and to close and physically remove the existing Reservoir Street at-grade highway-rail crossing in Pomona, Los Angeles County (City).

Discussion

The exact legal name of the Applicant is Alameda Corridor – East Construction Authority of the San Gabriel Valley Council of Governments. The Reservoir Street underpass project is one of many ACE projects that will reduce

or eliminate train traffic – motor vehicle traffic conflicts in the San Gabriel Valley area of Los Angeles County.

ACE projects are related to the original Alameda Corridor project. The Alameda Corridor connects the Ports of Long Beach and Los Angeles to the transcontinental rail network and consists of grade separations, a railroad “trench” and a railroad – railroad “flyover,” allowing safer, faster and more efficient rail shipment of internationally traded goods from the Ports to the transcontinental rail yards east of downtown Los Angeles. From those yards, UP ships most of these goods east on its Alhambra Subdivision and Los Angeles Subdivision main line tracks. The San Gabriel Valley portions of these two UP main lines comprise ACE’s project area.

Without ACE’s proposed improvements, ACE estimates that motor vehicle delays will increase by 300 percent or an average vehicle wait at each at-grade highway-rail crossing of 10 to 24 minutes. ACE has projects at 55 at-grade highway-rail crossings within the San Gabriel Valley. The ACE program ultimately will construct 21 grade separations, including the proposed Reservoir Street underpass. Grade-separated highway-rail crossings, such as the proposed Reservoir Street underpass, eliminate the hazard of train-vehicle collisions and motor traffic delays due to train movements.

ACE proposes to construct the Reservoir Street grade-separated highway-rail crossing to eliminate the existing at-grade crossing of Reservoir Street over the dual adjacent UP Alhambra and Los Angeles Subdivision main line tracks. The railroad tracks will cross over Reservoir Street on bridges. Reservoir Street will be depressed below the railroad tracks and First Street, which parallels the railroad on the south.

During the period of construction of the proposed Reservoir Street grade-separated highway-rail crossing, ACE, UP, and City (parties) may close and

physically remove the existing Reservoir Street at-grade highway-rail crossing. Upon completion of the proposed Reservoir Street grade-separated highway-rail crossing and its opening to vehicular traffic, the parties will close and physically remove the existing Reservoir Street at-grade highway-rail crossing.

The State of California Department of Transportation (Caltrans) is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA, as amended in 1982) as stated in Public Resources Code Sections 21000, et. seq. On September 20, 1999, Caltrans determined that the project is categorically exempt under CEQA (CEQA Guideline Section 15061 (b)(3)). Caltrans also determined that this project was exempt under the National Environmental Policy Act (NEPA) guidelines on September 28, 1999. On October 4, 1999, the United States Department of Transportation - Federal Highway Administration (FHWA) determined that this project was properly classified as a categorical exclusion. Attached to the order in Appendix A is a copy of the Categorical Exemption. The Categorical Exemption found that “This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment” as specified in CEQA Guideline Section 15061 (b)(3). The Application further stated that the project also has a Statutory Exemption under Public Resources Code Section 21080.13, which exempts from CEQA “Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.” This project will eliminate the existing Reservoir Street at-grade highway-rail crossing, CPUC Crossing No. B-515.40 (Alhambra Subdivision) and 3-33.00 (Los Angeles Subdivision).

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental

consequences of a project within its area of expertise that is subject to its discretionary approval.

The Commission reviewed the lead agency's Categorical Exemption and Categorical Exclusion determination and the applicant's Statutory Exemption determination. We are not aware of any information that would suggest Caltrans' and FHWA's exemption and exclusion classifications and applicant's statutory exemption classification were inappropriate in this instance. We find the CEQA Categorical Exemption and NEPA Categorical Exclusion documentation and the applicant's Statutory Exemption determination are adequate for our decision making purposes. We adopt the lead agency's findings of Categorical Exemption and Categorical Exclusion and the applicant's finding of Statutory Exemption for purposes of our project approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) inspected the site of the proposed Reservoir Street grade-separated highway-rail crossing project. After reviewing the need for and the safety of the proposed project, RCES recommends that the Commission grant ACE's request.

The Application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public grade-separated highway-rail crossings under a railroad. A site map and detailed drawings of the proposed Reservoir Street grade-separated highway-rail crossing are shown in Appendix B attached to the order.

To proceed in an expeditious manner with the construction of the proposed Reservoir Street grade-separated highway-rail crossing, ACE requests that the Commission waive the usual 30-day effective date of an order. We will make our order effective immediately.

By protest filed July 3, 2002, UP stated that ACE's proposed Reservoir Street grade-separated highway-rail crossing structure plans did not provide adequate room for future construction of additional railroad tracks by the railroad. ACE's plans showed two single-track width bridges, one bridge each for the Alhambra Subdivision and Los Angeles Subdivision. UP stated in its protest that the railroad's system-wide standards specify, at a minimum, the construction of double-track bridges on all grade-separated highway-rail crossings projects.

On April 7, 2003, ACE filed an Amendment to Application, which revised ACE's original underpass bridge plans to conform to UP's double-track bridge specifications. On April 16, 2003, UP withdrew its protest to the proposed Reservoir Street grade-separated highway-rail crossing.

In Resolution ALJ 176-3089, dated June 6, 2002, and published in the Commission Daily Calendar on June 7, 2002, the Commission preliminarily categorized A.02-05-050 as ratesetting, and preliminarily determined that hearings were not necessary. Since UP withdrew its protest on April 16, 2003, this preliminary determination remains accurate. Given these developments a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3089.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. UP filed a protest to the Application on July 3, 2002, and stated that ACE's proposed Reservoir Street grade-separated highway-rail crossing structure plans did not provide adequate room for future construction of additional railroad tracks by the railroad.

2. On April 16, 2003, UP withdrew its protest.

3. Notice of the Application and Notice of the Amendment to Application were published in the Commission's Daily Calendar on June 3, 2002, and April 9, 2003, respectively. There are no unresolved matters or protests; a public hearing is not necessary.

4. ACE requests authority, under Public Utilities Code Section 1201-1205, to construct the proposed Reservoir Street grade-separated highway-rail crossing under UP's adjacent Alhambra Subdivision and Los Angeles Subdivision main line tracks, in Pomona, Los Angeles County.

5. Public convenience, necessity, and safety require construction of the proposed Reservoir Street grade-separated highway-rail crossing.

6. Public necessity and safety require, upon the opening of Reservoir Street grade-separated highway-rail crossing and its opening to vehicular traffic, the closure and physical removal of the existing Reservoir Street at-grade highway-rail crossing over UP's adjacent Alhambra Subdivision and Los Angeles Subdivision main line tracks.

7. Caltrans is the lead agency for this project under CEQA, as amended.

8. Caltrans prepared a Categorical Exemption/Categorical Exclusion document for this project. On September 20, 1999, Caltrans determined that the project is categorically exempt under CEQA (CEQA Guideline Section 15061 (b)(3)). On September 28, 1999, Caltrans also determined that this project was

exempt under the NEPA guidelines. On October 4, 1999, the FHWA determined that this project was properly classified as a categorical exclusion.

9. The Application further stated that the project also has a Statutory Exemption under Public Resources Code Section 21080.13, which exempts from CEQA “Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.”

10. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency’s Categorical Exemption/Categorical Exclusion determination and the applicant’s Statutory Exemption determination.

Conclusions of Law

1. We believe the lead agency and applicant reasonably concluded that the project will not have a significant effect on the environment under CEQA and adopt the lead agency’s CEQA Categorical Exemption and NEPA Categorical Exclusion determinations and the applicant’s Statutory Exemption determination for purposes of our approval.

2. We waive the usual 30-day effective date of an order as ACE requests to proceed in an expeditious manner with the construction of the proposed Reservoir Street grade-separated highway-rail crossing.

3. There is no opposition to this Application, and a public hearing is not necessary.

4. The Application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Alameda Corridor – East Construction Authority (ACE) is authorized to construct the proposed Reservoir Street grade-separated highway-rail crossing under Union Pacific Railroad Company’s (UP) Alhambra Subdivision and Los

Angeles Subdivision main line tracks, in the City of Pomona (City), Los Angeles County, at the location and substantially as shown by plans attached to the Application, Amendment to Application, and Appendix B of this order, identified as CPUC Crossing No. B-515.40-B (Alhambra Subdivision) and 3-33.00-B (Los Angeles Subdivision).

2. During the period of construction of the proposed Reservoir Street grade-separated highway-rail crossing, ACE, UP, and City (parties) are authorized to close and physically remove the existing Reservoir Street at-grade highway-rail crossing, CPUC Crossing No. B-515.40 and 3-33.00.

3. Upon completion of the proposed Reservoir Street grade-separated highway-rail crossing and its opening to vehicular traffic, the parties shall permanently close and physically remove the existing Reservoir Street at-grade highway-rail crossing, CPUC Crossing No. B-515.40 and 3-33.00.

4. Clearances shall conform to GO 26-D.

5. Walkways shall conform to GO 118. ACE, in cooperation with City and UP, shall maintain walkways adjacent to any tracks subject to rail operations free of obstructions and shall promptly restore walkways to the original condition in the event of damage during construction.

6. The parties shall bear construction and maintenance costs in accordance with an agreement between the parties. ACE shall file a copy of the agreement, together with plans approved by City and UP, with the Commission's Rail Crossings Engineering Section (RCES) prior to commencing construction. Should the parties fail to agree, the Commission shall apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion of the work under this order, ACE shall notify RCES in writing, by submitting a completed standard Commission Form

G (Report of Changes at Highway Grade Crossings and Separations) of the completion of the authorized work.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. The Application is granted as set forth above.

10. Application 02-05-050 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX A

ENVIRONMENTAL DOCUMENT

CATEGORICAL EXEMPTION CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATION FORM

ACE Construction Authority

Dist. Co. - Rec. (or Local Agency)

K.P./P.M.

E.A. (State project)

Proj. No. (Local project)

(Fed. Proj. Prefix)

Proj. No., Agr. No.]

PROJECT DESCRIPTION: (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

Enter project description in this text box.

Railroad crossing protection equipment and measures, crossing regrading and repair, signing and striping, traffic signals, new or improved medians on existing rights-of-way to improve safety and mobility on UP and former SP mainline railroads from East Los Angeles to Pomona. Project length is 0.1 mile at each of 55 grade crossing locations.

CEQA COMPLIANCE

LOCAL ASSISTANCE PROJECTS: Record of CEQA Compliance is attached. {}

STATE PROJECTS:

Categorical Exemption (See 14 CCR 15300 et seq.)

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of historical resource.

CALTRANS CEQA DETERMINATION (for State Projects only)

{} Exempt by Statute (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

{} Categorically Exempt, Class ____ or [X] General Rule exemption (This project does not fall within an exempt class, but it can be seen with certainty there is no possibility that the activity may have a significant effect on the environment (CCR 15061 (b)(3))

Ron Kosinski
Signature: Environmental Office Chief

9/20/99
Date

Heidi Kuchner
Signature: Project Manager

9/10/99
Date

NEPA COMPLIANCE (23 CFR 771-117)**CATEGORICAL EXCLUSION**

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In nonattainment or maintenance areas for Federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program.
- This project is consistent with all Federal, State, & local laws, requirements or administrative determinations relating to the environment aspects of this action.

PROGRAMMATIC CATEGORICAL EXCLUSION

{} Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the September 7, 1990 Programmatic Categorical Exclusion have been met.

CALTRANS NEPA DETERMINATION

Based on an examination of this proposal, supporting information, and the above statements, it is determined that the project is at:

[X] Categorical Exclusion

{} Programmatic Categorical Exclusion

Ron Kosinski
Signature: Environmental Office Chief
(For all State & local CEs)

9/20/99
Date

Radha Chandra
Signature: Project Manager/DLA Engineer
(PA; for all State CEs/DLAE; for Local Asst. CEs)

9-28-99
Date

FHWA DETERMINATION (if applicable)

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion.

John S. [Signature]
Signature: FHWA Transportation Engineer

9/10/99
Date

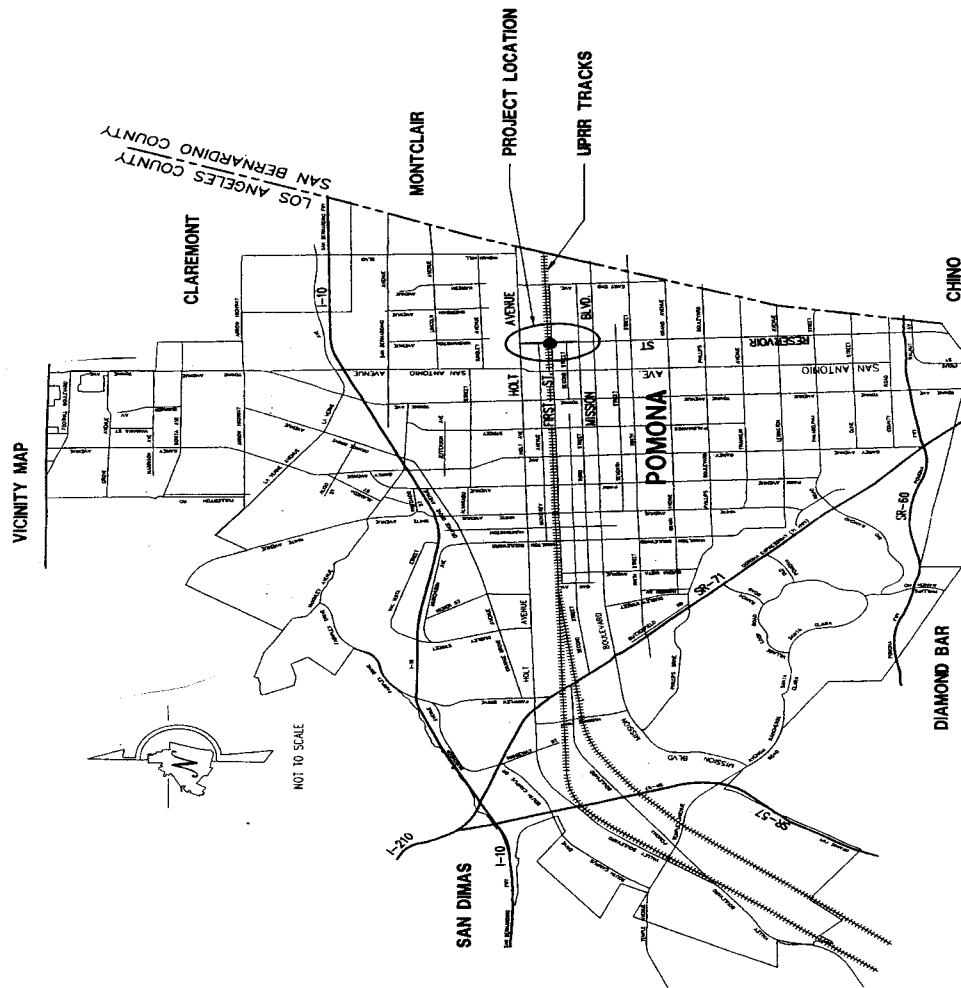
{} Additional information attached or referenced, as appropriate (e.g., Mitigation commitments for NEPA only; Air Quality studies and/or documentation of exemption from regional conformity or use of CO Protocol; § 108 commitments; § 4(f) or Programmatic § 4(f); date COE nationwide permits; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions; Local Agency NOE.)

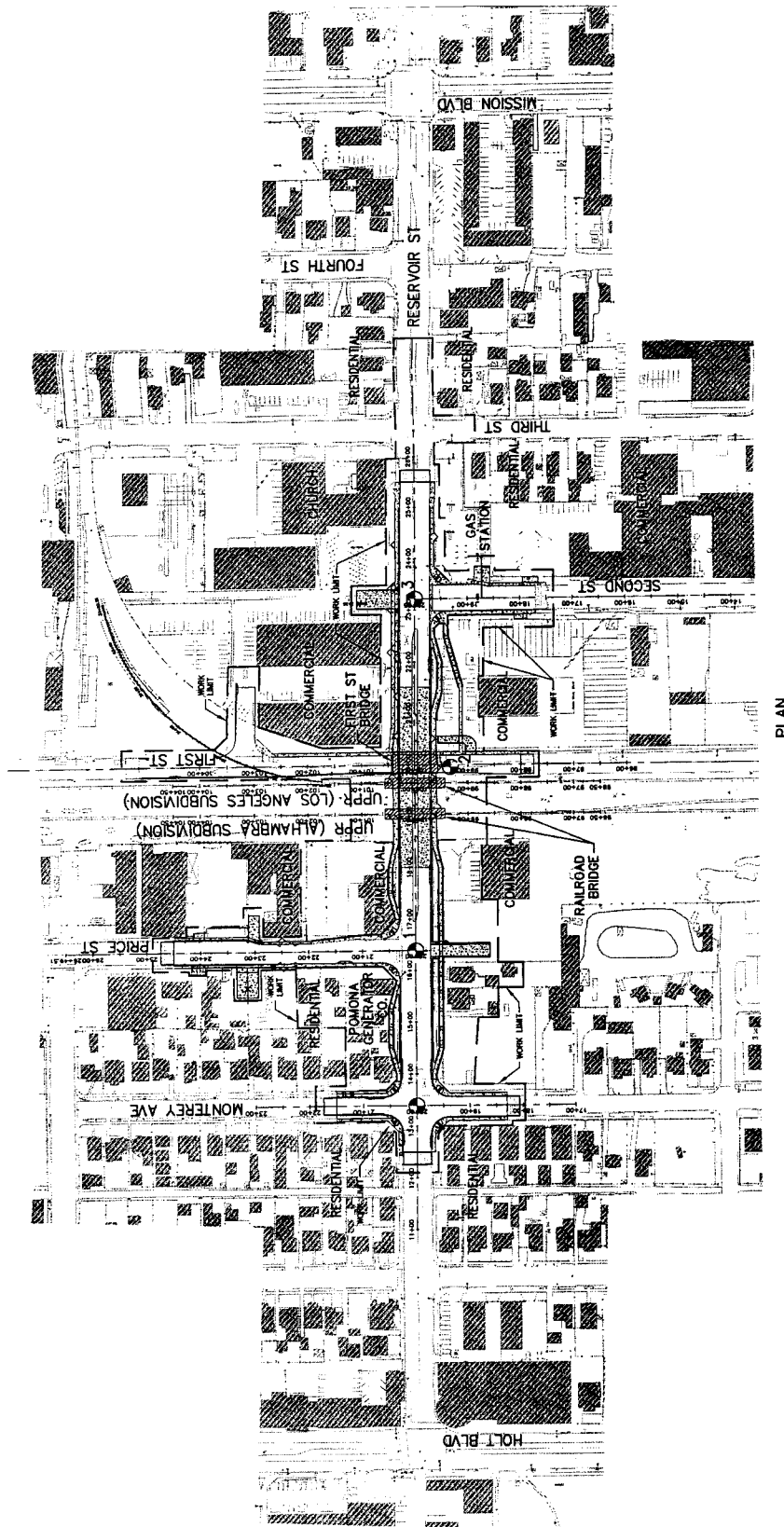
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FHWA-Sacramento

APPENDIX B
PLANS

**ALAMEDA CORRIDOR - EAST CONSTRUCTION AUTHORITY
RESERVOIR STREET GRADE SEPARATION PROJECT**





PLAN

- NOTES:
1. ALL COORDINATES SHOWN ON THIS PLAN ARE HORIZONTAL GRID COORDINATES.
 2. GRID DISTANCE EQUALS GROUND LEVEL DISTANCE MULTIPLIED BY GRID FACTOR.
 3. VERTICAL CURVE DATA IS SHOWN IN THE PLAN.
 4. VERTICAL CONTROL POINTS ARE INDICATED IN CONTROL POINT LEGEND.
 5. ALL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1989 RECORDED AND ADJUSTED MEAN SEA LEVEL (MSL) BY THE COUNTY OF LOS ANGELES.
 6. COORDINATES ARE BASED ON THE 1983 CALIFORNIA COORDINATE SYSTEM, ZONE V.

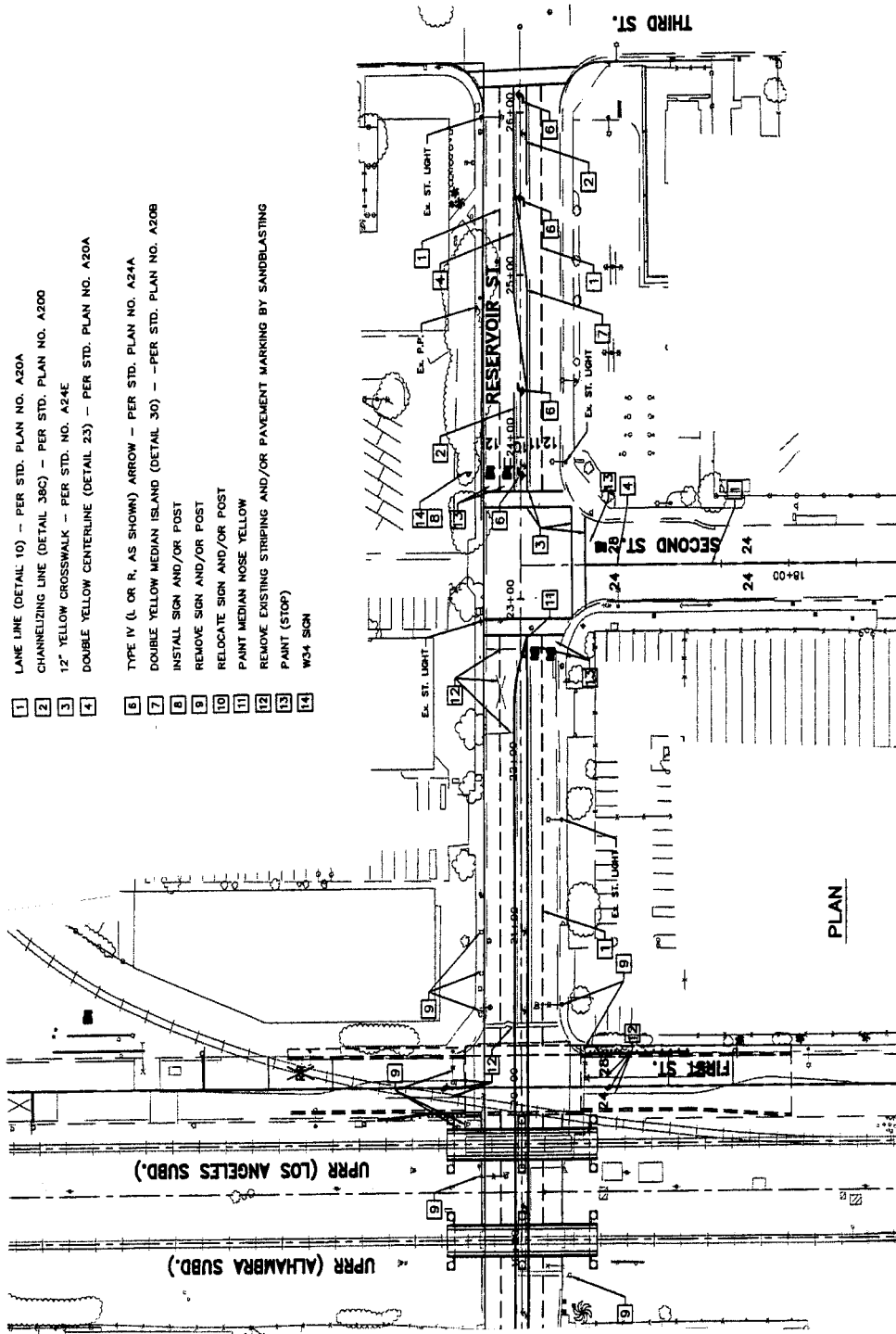
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ALAMEDA CORRIDOR - EAST
CONSTRUCTION AUTHORITY
 RESERVOIR & STREET GRADE SEPARATION PROJECT
 SURVEY CONTROL PLAN



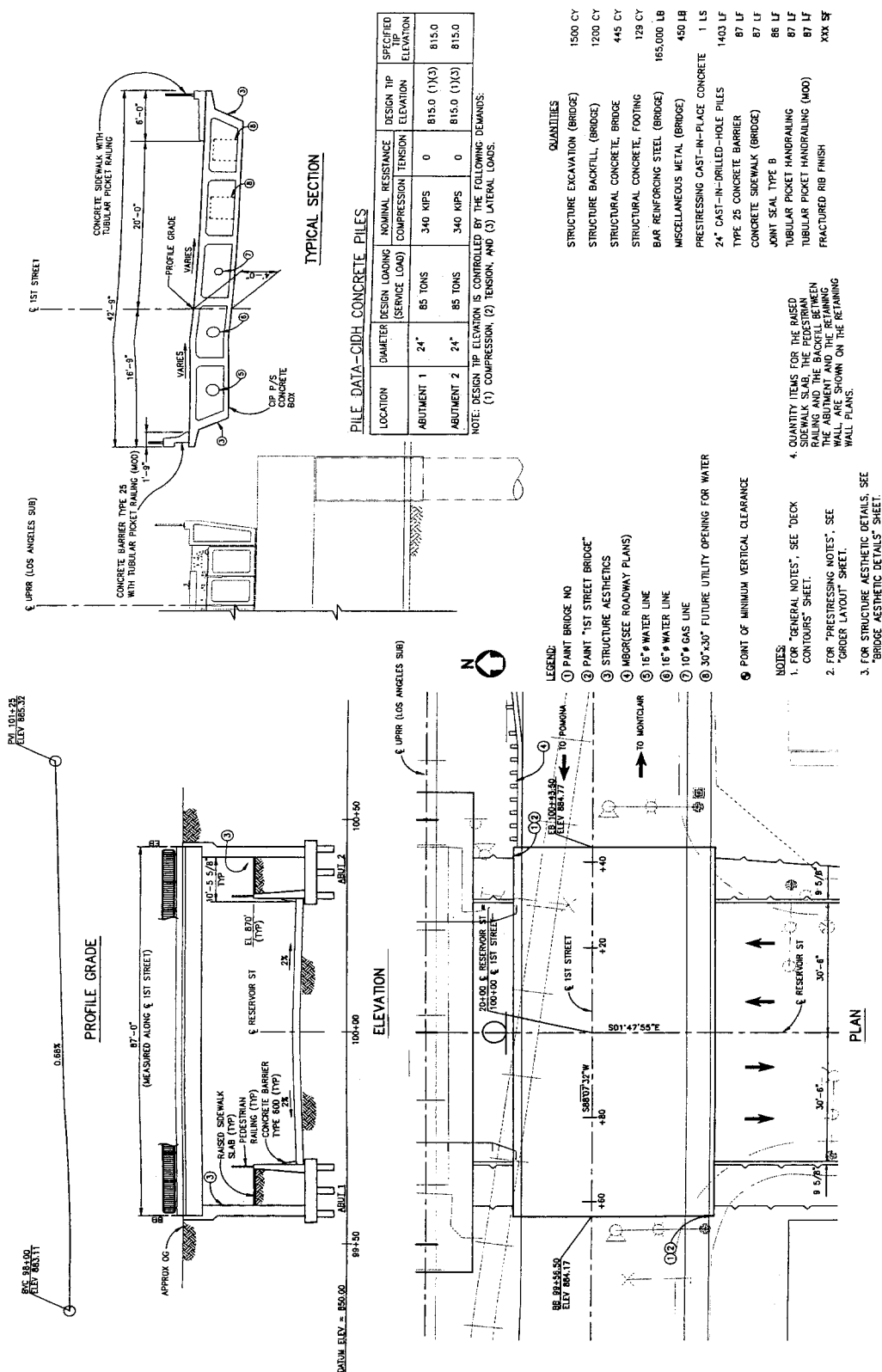
CONSTRUCTION NOTES:

- 1 LANE LINE (DETAIL 10) - PER STD. PLAN NO. A20A
- 2 CHANNELIZING LINE (DETAIL 38C) - PER STD. PLAN NO. A20B
- 3 12" YELLOW CROSSWALK - PER STD. NO. A24E
- 4 DOUBLE YELLOW CENTERLINE (DETAIL 23) - PER STD. PLAN NO. A20A
- 5 TYPE IV (L OR R, AS SHOWN) ARROW - PER STD. PLAN NO. A24A
- 6 DOUBLE YELLOW MEDIAN ISLAND (DETAIL 30) - PER STD. PLAN NO. A20B
- 7 INSTALL SIGN AND/OR POST
- 8 REMOVE SIGN AND/OR POST
- 9 RELOCATE SIGN AND/OR POST
- 10 PAINT MEDIAN NOSE YELLOW
- 11 REMOVE EXISTING STRIPING AND/OR PAVEMENT MARKING BY SANDBLASTING
- 12 PAINT (STOP)
- 13 W34 SIGN
- 14



**ALAMEDA CORRIDOR - EAST
CONSTRUCTION AUTHORITY**
RESERVOIR STREET GRADE SEPARATION PROJECT
SIGNING AND STRIPING PLAN





**ALAMEDA CORRIDOR - EAST
CONSTRUCTION AUTHORITY**
RESERVOR STREET GRADE SEPARATION PROJECT
1ST STREET BRIDGE